

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA *EX REL.*
BRUCE BOISE, KEITH DUFOUR AND
ANDREW AUGUSTINE AND ON BEHALF OF
THE STATES OF CALIFORNIA,
CONNECTICUT, DELAWARE, FLORIDA,
GEORGIA, HAWAII, ILLINOIS, INDIANA,
LOUISIANA, THE COMMONWEALTH OF
MASSACHUSETTS, MICHIGAN, MONTANA,
NEVADA, NEW JERSEY, NEW YORK,
NORTH CAROLINA, OKLAHOMA, RHODE
ISLAND, TENNESSEE, TEXAS, THE
COMMONWEALTH OF VIRGINIA,
WISCONSIN AND THE DISTRICT OF
COLUMBIA,

PLAINTIFFS,

V.

CEPHALON, INC., A WHOLLY-OWNED,
DIRECT SUBSIDIARY OF TEVA LIMITED,
AND JOHN DOES # 1-100, FICTITIOUS
NAMES,

DEFENDANTS.

Hon. Thomas N. O'Neill, Jr.

Civil Action No. 08-287

ORAL ARGUMENT REQUESTED

**CEPHALON'S MOTION TO MODIFY THE COURT'S JULY 30, 2015 ORDER, OR, IN
THE ALTERNATIVE, MOTION FOR PARTIAL JUDGMENT ON THE PLEADINGS**

Defendant Cephalon, Inc. ("Cephalon" or "Defendant"), respectfully moves this Court to modify its July 30, 2015 Order (Doc. No. 137) in order to dismiss Relators' Provigil claims without prejudice to file a new civil action, or, in the alternative, grant partial judgment on the pleadings in favor of Cephalon to dismiss Relators' Provigil claims prior to February 28, 2008. Cephalon's bases for this motion are further explained in the accompanying memorandum.

Respectfully submitted,

DATED: August 13, 2015

/s/Eric W. Sitarchuk

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CERTIFICATE OF SERVICE

I, Rebecca J. Hillyer, hereby certify that I served a true and correct copy of the above motion and accompanying papers, by the Court's ECF system on August 13, 2015, which delivered copies to all counsel of record. In addition, I hereby certify that on August 13, 2015, I caused a true and correct copy of the above motion and accompanying papers to be sent to the persons listed below via first-class mail, postage prepaid.

/s/ Rebecca J. Hillyer
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